

House File 2433

H-8171

1 Amend House File 2433 as follows:

2 1. Page 1, by striking line 22 and inserting <shall
3 follow Robert's rules of order, in>

5 2. Page 1, after line 23 by inserting:

6 <Sec. _____. Section 17A.4, subsection 1, paragraph
7 b, Code 2011, is amended to read as follows:

8 b. (1) Afford all interested persons not less than
9 twenty days to submit data, views, or arguments in
10 writing, including in an electronic format. If timely
11 requested in writing by twenty-five interested persons,
12 by a governmental subdivision, by the administrative
13 rules review committee, by an agency, or by an
14 association having not less than twenty-five members,
15 the agency must give interested persons an opportunity
16 to make oral presentation.

17 (2) To the extent practicable, the agency shall
18 provide an opportunity to make these oral presentations
19 using the Iowa communications network or other
20 electronic means and provide public access at multiple
21 sites throughout the state. If a request is received
22 from twenty-five interested persons residing in the
23 same city or county, the agency shall provide an
24 opportunity for oral presentation in that city or
25 county.

26 (3) The opportunity for oral presentation must be
27 held at least twenty days after publication of the
28 notice of its time and place in the Iowa administrative
29 bulletin. The agency shall consider fully all written
30 and oral submissions respecting the proposed rule.
31 Within one hundred eighty days following either
32 the notice published according to the provisions
33 of paragraph "a" or within one hundred eighty days
34 after the last date of the oral presentations on the
35 proposed rule, whichever is later, the agency shall
36 adopt a rule pursuant to the rulemaking proceeding or
37 shall terminate the proceeding by publishing notice of
38 termination in the Iowa administrative bulletin.

39 Sec. _____. Section 17A.4, subsection 2, Code 2011,
40 is amended to read as follows:

41 2. An agency shall include in a preamble to each
42 rule it proposes or adopts a brief explanation of the
43 principal reasons for its action a specific reference
44 to the Code section or sections being implemented
45 and a concise statement of the principal reasons for
46 and against the rule adopted, incorporating in the
47 statement the reasons for overruling considerations
48 urged against the rule and, if applicable, a brief
49 explanation of the principal reasons for its failure
1 to provide in that the rule for the waiver of the rule
2 in specified situations if no such waiver provision is

3 included in the rule. ~~This explanatory requirement~~
4 ~~does not apply when the agency adopts a rule that only~~
5 ~~defines the meaning of a provision of law if the agency~~
6 ~~does not possess delegated authority to bind the courts~~
7 ~~to any extent with its definition. In addition, if~~
8 ~~requested to do so by an interested person, either~~
9 ~~prior to adoption or within thirty days thereafter, the~~
10 ~~agency shall issue a concise statement of the principal~~
11 ~~reasons for and against the rule adopted, incorporating~~
12 ~~therein the reasons for overruling considerations urged~~
13 ~~against the rule. This concise statement shall be~~
14 ~~issued either at the time of the adoption of the rule~~
15 ~~or within thirty-five days after the agency receives~~
16 ~~the request.>~~

17 3. Page 3, after line 20 by inserting:

18 <Sec. ____ . NEW SECTION. 17A.6A Rulemaking internet
19 site.

20 1. Subject to the direction of the administrative
21 rules coordinator, each agency shall make available to
22 the public a uniform, searchable, and user-friendly
23 rules database, published on an internet site.

24 2. An agency's rulemaking internet site shall also
25 make available to the public all of the following:

26 a. A brief summary of the rulemaking process,
27 including a description of any opportunity for public
28 participation in the process.

29 b. Process forms for filing comments or complaints
30 concerning proposed or adopted rules.

31 c. Process forms and instructions for filing a
32 petition for rulemaking, a petition for a declaratory
33 order, or a request for a waiver of an administrative
34 rule.

35 d. Any other material prescribed by the
36 administrative rules coordinator.

37 3. To the extent practicable, the administrative
38 rules coordinator shall create a uniform format for
39 rulemaking internet sites.>

40 4. Page 5, after line 9 by inserting:

41 <Sec. ____ . Section 17A.23, Code 2011, is amended to
42 read as follows:

43 **17A.23 Construction — delegation of authority.**

44 1. Except as expressly provided otherwise by this
45 chapter or by another statute referring to this chapter
46 by name, the rights created and the requirements
47 imposed by this chapter shall be in addition to those
48 created or imposed by every other statute in existence
49 on July 1, 1975, or enacted after that date. If any
50 other statute in existence on July 1, 1975, or enacted
1 after that date diminishes a right conferred upon a
2 person by this chapter or diminishes a requirement

3 imposed upon an agency by this chapter, this chapter
4 shall take precedence unless the other statute
5 expressly provides that it shall take precedence over
6 all or some specified portion of this ~~named~~ cited
7 chapter.

8 2. This chapter shall be construed broadly to
9 effectuate its purposes. This chapter shall also
10 be construed to apply to all agencies not expressly
11 exempted by this chapter or by another statute
12 specifically referring to this chapter by ~~name~~
13 citation; and except as to proceedings in process on
14 July 1, 1975, this chapter shall be construed to apply
15 to all covered agency proceedings and all agency action
16 not expressly exempted by this chapter or by another
17 statute specifically referring to this chapter by ~~name~~
18 citation.

19 3. An agency shall have only that authority or
20 discretion delegated to or conferred upon the agency by
21 law and shall not expand or enlarge its authority or
22 discretion beyond the powers delegated to or conferred
23 upon the agency. Unless otherwise specifically
24 provided in statute, a grant of rulemaking authority
25 shall be construed narrowly.

26 Sec. ____. NEW SECTION. 17A.24 Rule implementation
27 of federal statute, regulation, or policy.

28 1. Except as otherwise explicitly authorized by
29 state law, an agency charged with the implementation
30 of a federal statute, regulation, or policy shall not
31 implement the federal statute, regulation, or policy in
32 a manner that exceeds the specific requirements of the
33 federal statute, regulation, or policy.

34 2. Any portion of an agency rule or policy that
35 implements a federal statute, regulation, or policy
36 and that exceeds the specific requirements of the
37 federal statute, regulation, or policy is automatically
38 superceded by the specific requirements of that federal
39 statute, regulation, or policy.>

40 5. Page 5, after line 13 by inserting:

41 <Sec. ____.

42 Section 99D.7, subsection 19, Code
43 Supplement 2011, is amended to read as follows:

44 19. To revoke or suspend licenses and impose fines
45 not to exceed one thousand dollars. The commission
46 shall not treat a deferred judgment or a final order
47 resulting in a deferred judgment, as deferred judgment
48 is defined in section 907.1, as a conviction in
49 determining whether there are grounds for licensee
50 discipline or license denial, unless the deferred
1 judgment is withdrawn and judgment is entered as
2 provided in section 907.3, subsection 1.

3 Sec. ____. Section 99F.4, subsection 12, Code 2011,

3 is amended to read as follows:

4 12. To assess a fine and revoke or suspend
5 licenses. The commission shall not treat a deferred
6 judgment or a final order resulting in a deferred
7 judgment, as deferred judgment is defined in section
8 907.1, as a conviction in determining whether there
9 are grounds for licensee discipline or license denial,
10 unless the deferred judgment is withdrawn and judgment
11 is entered as provided in section 907.3, subsection 1.>

12 6. Page 7, by striking lines 13 through 26.

13 7. Page 8, after line 3 by inserting:

14 <Sec. ____. ENVIRONMENTAL REGULATION STUDY.

15 1. The legislative council, in consultation with
16 the department of natural resources, shall establish
17 a study to analyze the projected financial effects
18 of current and proposed United States environmental
19 protection agency regulations and Iowa department of
20 natural resources rules on Iowa cities over a ten-year
21 period.

22 2. The study should include an analysis of
23 projected financial costs of such regulations and rules
24 on a hypothetical small Iowa community, medium-sized
25 Iowa community, and large Iowa community.

26 3. The study shall be concluded by June 30, 2013,
27 and a report shall be provided to the members of the
28 general assembly and to the governor.>

29 8. By renumbering as necessary.

PETTENGILL of Benton